REMARKS

Claims 1-36 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 102

Claims 1-36 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Mercer
(US Patent No. 7,043, 477 B2). Applicant respectfully submits that the rejection is believed to
be improper and submits the following in traversal thereof.

Independent claim 1 recites, *inter alia*, "creating file directories based on metadata of the
media files". The Examiner alleges that "creating file directories based on metadata of the media
files" corresponds to the directory that the **user creates** (col. 7, line 67, Fig. 2A, col. 5, lines 40-
48 of Mercer) (Office Action page 2). However, "creating file directories based on metadata of
the media files" does not mean file directories are created by the user, but that file directories are
automatically created according to metadata of the media files. Therefore, Mercer fails to
disclose the claim 1 feature of "creating file directories based on metadata of the media files".

Additionally, Applicant submits that claim 1 is believed to be patentable because the
Office Action fails to show how each and every element of the claim is disclosed or suggested by
Mercer. In response to our previous arguments, the Office Action **still fails** to point out how
Mercer discloses the claimed feature of **displaying a tree structure of the created file
directories**.

The Examiner alleges that Mercer at (col. 10, lines 48-49; Fig. 2A, Fig. 6, Fig. 7)
discloses that "a tree structure is displayed" (Office Action page 6). Also, the Examiner states

that "Mercer teaches that in one example the menu/playlist structure is displayed as a scrolling tree-view with check boxes next to each menu or playlist item'" (col. 10, lines 48-49). Therefore, the Examiner states that Mercer clearly teaches the claim invention "a tree structure" (Office Action page 6). However, Mercer fails to disclose the claimed feature of **displaying a tree structure of the created file directories**.

Mercer discloses a "media player [] includes software allowing navigation among groups of media files. An exemplary consumer electronic device 112 or media player includes an input module 114, an interface module 116, and a selection module 118. The input module 114 reads a **playlist** group referencing one or more media files" (col. 5, lines 1-6; FIG. 1).

Further Mercer discloses that "[e]ach playlist includes a **flat list** of media files and the playlists **may** be organized in a hierarchical data structure such as illustrated in FIG. 2A. In FIG. 2A, a root directory includes playlist A, playlist B, and playlist C. Playlist C further includes some media files along with playlist D, playlist E, and playlist F in this example. On a computer such as a personal computer with sufficient memory and processor speed, the **user can navigate** the hierarchical structure via a sophisticated or rich media player to easily select the desired playlist and render the content in the selected playlist via a media player (col. 5, lines 37-47).

Furthermore, Mercer discloses a playlist and menu creation that a "method performed by the authoring software to create playlists from the selected media files and organize the playlists in a **hierarchical structure**. Operation of the method is **based on the type and existing organization of the selected media files**" (col. 8, lines 41-46).

"The user may choose to **adjust the hierarchical structure** and/or default playlists. The user interface associated with the authoring software displays a diagram of the hierarchical structure and playlists with all options pre-checked for inclusion on the computer-readable medium. For example, the menu/playlist structure is displayed as a scrolling tree-view with checkboxes next to each menu or playlist item. Clearing a check box eliminates that entire branch of the tree (although the state of the items below it is preserved in case the user reinstates it)" (col. 10, lines 43-53).

Therefore, Mercer discloses a playlist and menu creation by the authoring software to create playlists from the selected media files and organize the playlists in a hierarchical structure **based on the type and existing organization of the selected media files** as a structure displayed as a scrolling tree such that the user may **adjust the hierarchical structure**. Thus, Mercer does **not** disclose a tree structure based on a created file directory. Therefore, Mercer fails to disclose the claim 1 feature of displaying a tree structure of the **created file directories**.

For at least the above reasons and for the reasons submitted in the Amendment of December 12, 2006, independent claim 1 is believed to be patentable.

For reasons similar to those submitted for independent claim 1, independent claims 2, 15, and 16 are believed to be patentable.

Further, claims 3-14 and 17-36 are believed to be patentable based on their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the
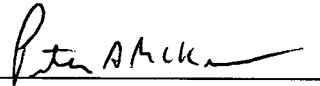
Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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